

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

2017 Jul-24 PM 05:28
U.S. DISTRICT COURT
N.D. OF ALABAMA

DISMISSAL AND NOTICE OF RIGHTS

To: Robert L. Beeman
[REDACTED]From: Birmingham District Office
Ridge Park Place
1130 22nd Street
Birmingham, AL 35205☐On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2017-00481

IRAN CRUZ,
Investigator

(205) 212-2134

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

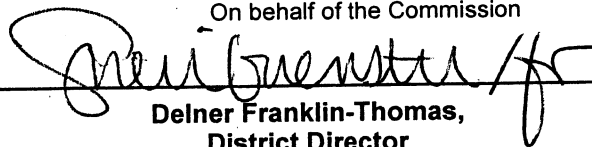
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Delner Franklin-Thomas,
District Director

APR 24 2017

(Date Mailed)

Enclosures(s)

cc:

PROTECTIVE LIFE CORPORATION
c/o Warren B. Lightfoot, Attorney
Maynard, Cooper & Gale
1901 6th Ave. North
2400 Regions Harbert Plaza
Birmingham, AL 35203

PERKINS LAW, LLC
c/o Byron R. Perkins, Attorney
2170 Highland Ave. South
Suite 100
Birmingham, AL 35205

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

BIRMINGHAM DISTRICT

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Robert L. Beeman

Home Phone (Incl. Area Code)

(205) 663-9296

Date of Birth

5/20/1964

Street Address

113 Squire Drive

City, State and ZIP Code

Helena, Alabama 35080

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Protective Life Corporation

No. Employees, Members

100+

Phone No. (Incl. Area Code)

(205) 268-1000

Street Address

2801 Highway 280 South

City, State and ZIP Code

Birmingham, Alabama 35223

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

8/23/2016

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I am an African American male over nineteen (19) years of age and a former employee and alleged officer of the respondent, Protective Life Corporation. I was employed with Protective Life for approximately 18 years. Upon information and belief, I have been discriminated against by the respondent because of my race during my entire career with the respondent. Upon information and belief, the respondent discriminates against African American employees as a class in pay, promotions, salary, income, bonus pay, stock options and career progression. The respondent's policies, practices and procedures have a disparate impact on African American employees.

2. During my career, all of my supervisors have been two white males and two white females. The implied bias demonstrated by each white supervisor, administrator, officer or executive had a negative affect on my career and career progression, my income, salary, bonus pay and ability to be promoted to a position which provided stock options such that at the time of my constructive discharge I was working in a subordinate role with The Protective Life Foundation.

3. I am a graduate of Harvard Law School and served my country in the U.S. Marine Corps. After completing my legal education at Harvard, I served as a law clerk to the Honorable Ira DeMent, United States District Judge for the Middle District of Alabama. After I completed my clerkship, I went to work as an attorney for the Birmingham labor and employment law firm of Lehr, Middlebrooks and Proctor. In June 1998, I started my employment with Protective Life Corporation as in-house counsel.

4. I was initially hired as in-house counsel and worked as an attorney advising the Human Resources Department of the corporation. However, my career progression was stymied because of an all white decision making body whose decisions reflected an implied bias against African Americans which negatively affected my career opportunities, the terms and conditions of my employment, promotions, pay, salary, income, bonus pay and stock options!

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY (When Necessary for State or Local Agency Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)



Africa Yvette Roxx
Notary Public
My Commission Expires
February 26th, 2020

11/16/2016

Date

Charging Party Signature

11/16/2016

CHARGE OF DISCRIMINATION

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Charge Presented To:

☐ FEPA☒ EEOC

Agency(ies) Charge No(s): 16

E.E.O.C.
BIRMINGHAM DISTRICT

ALABAMA

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

PAGE 2

5. Upon information and belief, the decisions concerning promotions, pay, salary, income, bonuses, pay and stock options are made subjectively by an all white decision making body. These decisions have a disparate impact on African American employees' salaries, bonuses, promotions and other terms and conditions of employment to a position where African American employees cannot and do not receive stock options and profit sharing. Upon information and belief, during the entire 100 plus years' history of the respondent, there have been only three (3) African American employees who have ascended to a level where they received stock options. However, dozens, if not hundreds, of white employees have reached this level.

6. Moreover, throughout my employment with the respondent, the decision on who will be promoted to the next level as an officer of the corporation and receive stock options and profit sharing at the officer level was subjective and made by an all white decision making body. These decisions have a disparate impact on the pay, salary, income, bonus pay and receipt of stock options by African American employees and our career progression.

7. The affect of the subjective decision making by an all white decision making body has an disparate impact on income, salary, pay, bonus pay and stock options for African American employees in that African American employees including the charging party are statistically underrepresented in administrative, executive, officer and other decision making and financial decision making positions which negatively affects income, salary, bonus pay and stock options and pay of all African American employees as a class.

8. Moreover, because of the lack of African Americans in any meaningful administrative, executive or office positions, my career progression was stymied because I did not have a Rabbi to assist and guide me in my career.

9. Upon information and belief, the implied bias of an all white decision making body/authority racially discriminated against me in job and/or work assignments, promotions including promotion to a position above which I would have received stock options and high bonus pay, salary and other terms and conditions of employment.

10. The respondent's policies, practices and procedures along with the implied biases of all white making decision making bodies affects all African American employees as a class in promotions, pay, salary, bonus pay, career progression and other terms and conditions of employment.

11. The respondent's policies, practices and procedures and all white decision making bodies disparately impact African American employees as a class in promotions, pay, salary, bonus pay, stock options and career progression in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11/16/2016

Date

[Signature]
Charging Party Signature

NOTARY - When necessary for State or Local Agency Requirements

[Signature]
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

[Signature]
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

11/16/2016



Africa Yvette Rott
Notary Public
My Commission Expires
February 26th, 2020